

Essex North Registry

**DECISION OF THE ANDOVER PLANNING BOARD
AS A SPECIAL PERMIT GRANTING AUTHORITY**

ON THE APPLICATION OF

600-800 Federal Street

By: Leggat McCall Properties

**For a Modification of Special Permit for a Major Non-Residential Project
under Section 9.4.8 of the Andover Zoning Bylaw**

Decision: SP12-05

YES (with conditions)

A public meeting of the Planning Board was held on July 10, 2012 in the Third Floor Conference Room of the Town Office Building, Bartlet Street, Andover, MA. Present and voting on this matter were Joan Duff, Vincent Chiozzi, Eric Macaux, John McDonnell and Lelani Loder.

Pursuant to public notice in the Andover Townsman, a newspaper of general circulation in the Town of Andover, published on April 19, 2012 and April 26, 2012 and pursuant to notice sent by mail, postage prepaid, to all interested parties under the provisions of Massachusetts General Laws Chapter 40A, a public hearing was convened by the Planning Board (the "Board") on May 8, 2012, for an application filed on April 12, 2012 by Leggat McCall Properties on property owned by LMP GFIII 600 Federal LLC, LMP GFIII 800 Federal LLC and Federal Street

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Common Area LLC for a Modification of a Major-Non Residential Special Permit. The property is more specifically identified as Map 145 Lot 10A, Map 145 Lot 10 and Map 146 Lot 7A. The public hearing was closed on July 10, 2012. The aforementioned members present throughout.

On a vote of 5 to 0, the Board finds that the proposal to expand the existing building at 800 Federal Street from 160,860 gsf to 237,974 gsf, to combine the lots of 600 and 800 Federal Street and the lots that front off Chandler Road with the reconfiguration of the cul-de-sac layout as requested will not be unreasonably detrimental to the established or future character of the neighborhood and town and that such proposed use with appropriate conditions is in harmony with the general purpose and intent of the bylaw. The Board approves with conditions the application of Leggat McCall Properties on property owned for a Modification of a Major Non-Residential Special Permit subject to the following 27 conditions;

CONDITIONS OF THE PERMIT

This special permit is approved subject to the following conditions:

General Conditions

1. For purposes of this special permit the project shall encompass and be defined as the structures, parking areas, utilities, drainage systems, street improvements, signage, landscaping and all other details as shown on the approved plans. The site is identified as a parcel of land situated at 600-800 Federal Street, more specifically shown on Assessor's Map 145 Lot 10A (600 Federal St), Map 145 Lot 10 (800 Federal St), Map 146 Lot 7A (Chandler Road). The developer is identified and shall be defined as Leggat McCall Properties, LLC or its assigns. The developer, as defined, shall be subject to all conditions listed hereunder, and shall be directly responsible for construction of the project, including all contractors, subcontractors, vendors, or other parties working on the site and on the project.
2. Except as otherwise provided for in these conditions all work associated with the project, including architecture and landscaping, shall be in strict conformance with the following plans and drawings prepared by John G. Crowe Associates, Inc, which are considered the final plans and may be found in the Planning Division:
 - a. Existing Conditions, SP-1, last revised 6/1/12;
 - b. Existing Conditions, SP-1.1, last revised 6/1/12;
 - c. Site Grading and Erosion Control Plan, SP-2, last revised 6/20/12;
 - d. Site Utilities Plan, SP-3, last revised 6/20/12;
 - e. Site Statistics, Layout and Setback Plan, SP-4, last revised 6/1/12;
 - f. Site Planting Plan, SP-5, last revised 6/20/12;
 - g. Site Lighting Plan, SP-5.1, dated 6/1/12;
 - h. Site Construction Detail, SP-6, last revised 6/20/12;
 - i. Site Construction Detail, SP-7, last revised 6/1/12;
 - j. Site Construction Detail, SP-8, last revised 6/20/12; and
 - k. Site Construction Detail, SP-9, last revised 6/1/12;

3. If a modified or supplemental plan(s), drawing(s) and/or document(s), if any, is required by the Planning Board under the conditions of this permit, it shall be submitted to, reviewed and approved by the Planning Division.
4. If a modified or supplemental plan(s), drawing(s) and/or document(s), if any, is required by the Planning Board under the conditions of this permit, it shall be submitted to, reviewed and approved by the Board, at a regularly scheduled, or specially scheduled public meeting of which the developer and the abutters will be notified.
5. Administration and enforcement of this permit and the conditions attached thereto shall be pursuant to the requirements of the Planning Board's Rules Governing Special Permits.
6. This special permit shall expire two (2) years from the date that this decision has been recorded in the North Essex Registry of Deeds unless substantially exercised by the applicant prior to that date. The Board may consider extending the special permit upon written request of the applicant provided that such request has been received and a public hearing noticed prior to the expiration of the original permit. In considering a request for extension the Board may take into account conditions on the site and in the neighborhood at the time the request is made, including traffic, access, and pedestrian safety, and may impose such additional conditions deemed appropriate to mitigate any adverse impacts of the development.

Prior to Construction

7. The applicant shall provide to the Planning Department a digital file containing the plan if produced using computer aided drafting and design (CADD) software. The file format shall be in AutoCAD DWG (or ASCII DXF) version 2010 or earlier and Adobe PDF, delivered on CD-ROM or DVD-R media. AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet. A review of the digital file shall be made by the Department of Public Works prior to the recording of this permit.
8. Prior to the recording of this permit at the Registry the developer shall provide at least four (4) sets of the plans and drawings, considered the final plans, described under Condition 2 above to the Planning Department for distribution and final review.
9. The modification of definitive plan "Woodland Park" mylars must be signed and recorded at the Registry of Deeds.

10. Prior to any construction or demolition activity of any kind on the site or associated with the project, a pre-construction meeting shall be conducted which shall include representatives from the developer (including principle contractors and/or supervisors), the Department of Community Development and Planning, the Department of Public Works, the Police Department and the Fire Department, for purposes of reviewing these conditions and construction schedule.
11. Prior to any construction or demolition activity of any kind on the site or associated with the project, the developer shall submit a proposed construction schedule to the Planning Board to be used as a guide of activities associated with the project.
12. The Andover Department of Public Works shall be notified prior to any construction activities on and off site, including excavation and grading, and shall be given full opportunity to review plans and monitor such activities.
13. The hauling route for the import and/or export of earth materials and demolition debris shall be approved by the Inspector of Buildings and the Police Safety Officer. All public ways are to be kept clean and free of any dirt or debris associated with hauling activities.

Throughout and During Construction

14. During the installation of the stormwater system drain pipes a professional engineer or land surveyor must observe the installation to ensure the drain pipes are at the proper slope. Once completed a professional engineer or land surveyor must submit a letter and an as-built plan certifying that the construction was done in accordance with the approved plans.
15. All activities on the site shall be conducted in a workmanlike manner. All construction equipment, supplies and building materials shall be appropriately secured against unauthorized access. Construction debris and litter shall be collected and stored in appropriate containers on the site and shall be removed as promptly and regularly as possible. Appropriate measures (or those directed by the Inspector of Buildings) shall be taken so as to protect adjacent properties from dust and other windblown debris during site preparation and construction.
16. All hauling operations involving the import and export of earth materials and removal of all debris associated with the building to be demolished on the site shall be conducted in accordance with a schedule approved by the Inspector of Buildings. Such operations shall be limited to Monday through Friday, during hours deemed appropriate by the Inspector of Buildings, and no such operations shall be allowed or undertaken at any time deemed to be in conflict with safe pedestrian movement near the site or to cause undue congestion or safety hazards in the adjacent street system.
17. Except for periods during replacement if required, all public sidewalks adjacent to the site shall be kept open, and in a safe and passable condition. No fences, barriers, or gates

may be placed or installed within the town way.

18. Construction activities on the site including equipment startups, site preparation, excavation, demolition, grading, filling, paving, erection of structures, installation of utilities, and landscaping shall be conducted between the hours of 7:00 a.m., and 6:00 p.m., Monday through Friday. Interior finish work on the building once fully enclosed (doors and windows) is not subject to this condition.
19. Burning or burial of trees, stumps, or construction debris of any kind is strictly prohibited anywhere on site.
20. Lighting fixtures in the parking area shall be shielded and directed inward toward the site. Due to the nature of the business to be conducted on the site a certain amount of lighting may be required at all times for security purposes, and to that end the developer shall consult with the Andover Police Department to determine the level of lighting needed, the number of fixtures necessary to achieve that lighting, and the times lighting must be provided during the nighttime hours. Those fixtures not required for nighttime security shall be placed on a timer and shall be extinguished when the operations or activities in the building are not being conducted.
21. Construction of the project, once begun, shall continue through to completion as expeditiously and continuously as possible; however, in the event that construction activities cease on the part of the developer for a period of six (6) months from the date of last observed activity, the Board may convene a public hearing for the purpose of revocation or modification of the permit.

Prior to Occupancy

22. Prior to occupancy of the building on the site all access driveways, pavement markings and sidewalks shall have been completed and made fully operational;
23. A set of as-built plans for utilities (water, sewer and drainage) both on and off the site shall be submitted to and approved by the Department of Public Works within seven (7) days after all installations are complete, and before the issuance of a Certificate of Occupancy. A digital file of as-built plans showing the constructed features, including utilities, following the format described in # 7 above shall also be submitted.

Specific to this Special Permit

24. Within five (5) days of the Board's vote, as agreed upon by the applicant who has offered to provide for netting at the Sarkisian Driving Range, the applicant shall send via certified mail, with a copy being transmitted to the Planning Division, a proposed plan for the netting height and length at the area. In the event that Mr. Sarkisian elects not to accept the aforementioned offer within twenty (20) days of receipt of said communication, or required permits are not issued this condition shall be considered

satisfied and the applicant would not be required to provide additional netting, whereas the area in question is located on private property. Any deviation of the offered netting shall be negotiated between the applicant and present property owner of 153 Chandler Road (Sarkisian Driving Range). The agreed upon netting height and length shall be constructed prior to construction of the above mentioned parking lot extension.

25. The applicant shall be required to replace, in kind and number, any landscaping that does not survive one (1) year following initial planting.
26. The applicant as a member of the Merrimack Valley TMA, shall explore with other Federal Street owners and tenants and the Merrimack Valley TMA to provide shuttle service or any other form of shared transportation at the intersection of Federal Street/River Road/Campenelli Drive to utilize the MVRTA busing as a means of making public transportation more accessibility to the employees of Federal Street.
27. The applicant has proposed an emergency access gate at the rear driveway leading to Chandler Drive; an alternate location has been requested to be placed on land owned by the Town as part of the Chandler Drive emergency access driveway. It is requested that the applicant petition the Town to place the gate on the Town property at an acceptable location to the Fire Prevention Officer; should the applicant not receive the proper approvals, the location of the emergency gate shall be placed as shown on the plans. The gate should utilize "Click 2 Enter" technology which will allow safety vehicles to radio transmit the gate opening.

Following the statutory twenty-day appeal period, and in the absence of any appeal, the plan and an instrument containing the foregoing restrictions will be filed in the Registry of Deeds. The applicant is responsible for the costs associated with the Registry filings.

On July 10, 2012, at a regularly scheduled public meeting, the Andover Planning Board voted (5-0) to issue the foregoing Modification of a Major Non-Residential Special Permit.

Date: 7/12/12

Joan Duff, Chair

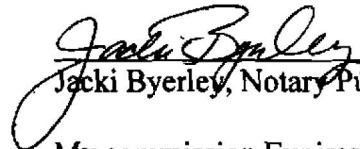
Essex, ss

COMMONWEALTH OF MASSACHUSETTS

Date: 7/12/12

On this 12th day of July, 2012, by Joan Duff, the authorized agent of the Andover Planning Board, proved to me through satisfactory evidence, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the documents are truthful and accurate to the best of her knowledge and belief and who acknowledged to me that she signed it voluntarily for its stated purpose and acknowledged the foregoing to be the free act and deed of the Andover Planning Board.

Before me,


Jacki Byerley, Notary Public

My commission Expires: July 4, 2014

JACKI A. BYERLEY
NOTARY PUBLIC
My commission expires July 4, 2014

CERTIFICATION

I, Lawrence Murphy, Town Clerk of the Town of Andover, Massachusetts, do hereby certify that twenty (20) days have elapsed since this decision of the Andover Planning Board was filed in my office on July 12, 2012 and no appeal against said decision has been filed.

Date: 8-3-2012


Lawrence Murphy, Town Clerk